

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SOFT SERVE FRUIT CO. LLC,

Plaintiff,

--against --

BC HOSPITALITY GROUP LLC and ESQUARED
HOSPITALITY LLC,

Defendants.

Civil Action No.: 17-cv-9735(ER)

STIPULATION OF DISMISSAL WITH PREJUDICE

The Parties to this matter, having settled the underlying claims, hereby stipulate, by and through their undersigned counsel, to dismiss with prejudice Plaintiff's Complaint and Defendants' Counterclaim pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. The Parties shall bear their own costs and attorneys' fees related to this matter.

Dated: February 26, 2018

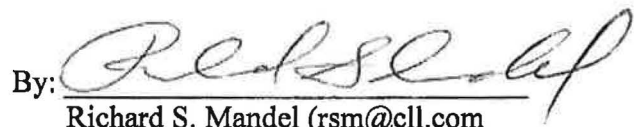
Attorneys for Plaintiff

FROSS ZELNICK LEHRMAN &
ZISSU, P.C.

By: 
Laura Popp-Rosenberg
(lpopp-rosenberg@fzllz.com)
Barbara A. Solomon (bsolomon@fzllz.com)
Jessica Vosgerchian (jvosgerchian@fzllz.com)
4 Times Square, 17th floor
New York, NY 10036
Tel: (212) 813-5900

Attorneys for Defendants:

COWAN, LIEBOWITZ & LATMAN, P.C.

By: 
Richard S. Mandel (rsm@cll.com)
Jonathan Z. King (jzk@cll.com)
114 West 47th Street
New York, NY 10036
Tel: (212) 790-9200